

ORDINANCE NO. 99 - 61

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE TEXT OF THE **TRANSPORTATION ELEMENT** (TO ESTABLISH A CONSTRAINED ROADWAY AT LOWER LEVELS OF SERVICE FACILITY ON THE SEGMENTS OF **JOG ROAD** FROM MELALEUCA LANE TO HYPOLUXO ROAD); PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on June 11, 18 and 25, July 9, August 13, and November 19, 1999 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 28, August 17 and 24, 1999 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

1 WHEREAS, Palm Beach County received on November 16, 1999 the
2 Department of Community Affairs "Objections, Recommendations, and
3 Comments Report," dated November 12, 1999 which was the Department's
4 written review of the proposed Comprehensive Plan amendments; and

5 WHEREAS, the written comments submitted by the Department of
6 Community Affairs contained no objections to the amendments contained
7 in this ordinance;

8 WHEREAS, on December 13, 1999 the Palm Beach County Board of
9 County Commissioners held a public hearing to review the written
10 comments submitted by the Department of Community Affairs and to
11 consider adoption of the amendments; and

12 WHEREAS, the Palm Beach County Board of County Commissioners has
13 determined that the amendments comply with all requirements of the
14 Local Government Comprehensive Planning and Land Development
15 Regulations Act.

16 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
17 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

18 Part I. Amendments to the 1989 Comprehensive Plan

19 Amendments to the text of the following Element of the 1989
20 Comprehensive Plan are hereby adopted and attached to this Ordinance in
21 Exhibit 1:

22 A. Transportation Element, to establish a Constrained Roadway
23 at Lower Levels of Service facility on the segments of Jog Road
24 from Melaleuca Lane to Hypoluxo Road.

25 Part II. Repeal of Laws in Conflict

26 All local laws and ordinances applying to the unincorporated area
27 of Palm Beach County in conflict with any provision of this ordinance
28 are hereby repealed to the extent of such conflict.

29 Part III. Severability

30 If any section, paragraph, sentence, clause, phrase, or word of
31 this Ordinance is for any reason held by the Court to be
32 unconstitutional, inoperative or void, such holding shall not affect

1 the remainder of this Ordinance.

2 Part IV. Inclusion in the 1989 Comprehensive Plan

3 The provision of this Ordinance shall become and be made a part
4 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
5 Ordinance may be renumbered or relettered to accomplish such, and the
6 word "ordinance" may be changed to "section," "article," or any other
7 appropriate word.

8 Part V. Effective Date

9 The effective date of this plan amendment shall be the date a
10 final order is issued by the Department of Community Affairs or
11 Administration Commission finding the amendment in compliance in
12 accordance with Section 163.3184, Florida Statutes, whichever occurs
13 earlier. No development orders, development permits, or land uses
14 dependent on this amendment may be issued or commence before it has
15 become effective. If a final order of noncompliance is issued by the
16 Administration Commission, this amendment may nevertheless be made
17 effective by adoption of a resolution affirming its effective status,
18 a copy of which resolutions shall be sent to the Department of
19 Community Affairs, Bureau of Local Planning, 2740 Centerview Drive,
20 Tallahassee, Florida 32399-2100.

21 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm
22 Beach County, on the 13 day of December, 1999.

23 ATTEST:
24 DOROTHY H. WILKEN, Clerk

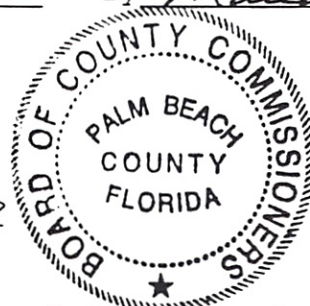
PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

25 By: Joan Haverley
26 Deputy Clerk

By: Maudie Ford Lee
Chair

27 APPROVED AS TO FORM AND
28 LEGAL SUFFICIENCY

29 Ann O'Brien
30 COUNTY ATTORNEY



31 Filed with the Department of State on the 23rd day
32 of December, 1999.

EXHIBIT 1

A. Transportation Element, Jog Road Constrained Roadways at Lower Level of Service (CRALLS)

ADDITION: Addition of underlined text to **Policy 1.2-f** as follows:

Policy 1.2-f: The Palm Beach County Board of County Commissioners finds the following facilities are constrained facilities and development orders shall be evaluated using the specific level of service standards identified herein instead of the Policy 1.1-b general level of service standards.

1-11. *(Pertain to other CRALLS; unaltered text omitted for brevity)*

12. The following roadway segments are hereby designated as CRALLS facilities exclusively for use by the Winston Trails project:

- a) Jog Road from Melaleuca Lane to Lantana Road
 - Daily level of service: 46,639 vehicles per day
 - Peak hour standard: 4,304 vehicles per hour
 - Peak hour, peak direction standard: 2,347 vehicles per hour
- b) Jog Road from Lantana Road to Hypoluxo Road
 - Daily level of service standard: 48,606 vehicles per day
 - Peak hour standard: 4,477 vehicles per hour
 - Peak hour, peak direction standard: 2,585 vehicles per hour

This CRALLS designation shall remain in effect until widening of these segments commences or December 1, 2001, whichever occurs first.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 13, 1999.
DATED at West Palm Beach, FL on 1/4/00.
DOROTHY H. WILKEN, Clerk
By: Wlane Brown D.C.